

Probation Services Task Force Outreach California Public Defenders' Association

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Task Force Members/Staff: John Rhoads, Joshua Weinstein, and Elizabeth Howard
Approximate Number of Participants: 23

GENERAL THEMES

- *Public defenders seek inclusion in program planning process*
- *Public defenders see a need for a mechanism to request a change to a probation officer, in the event that they believe the PO is not providing adequate services*

Deputy Public Defender

- ★ Surprised at statement made that juvenile probation is well funded; her belief is that decisions are made with view toward protecting budget. The AB 575 plan required by probation calls for a psych evaluation but it's often not done (and it rarely happens if it's out of the probation's budget)
- ★ Concerned that there's no forum for seeking change to probation officer (e.g., parallel mechanism to Marsden motion if there is dissatisfaction with legal counsel); no place to address complaints
- ★ If child is approaching majority, a placement often is not sought (or they go to Youth Authority)

Public Defender

- ★ Sees lack of accountability in probation system; court protects POs and let them "get away with all manner of incompetence"
- ★ Sees huge turnover in probation staff and insufficient training for new staff; POs are constantly jockeying for new position, usually with county law enforcement (DPO is seen as entrée into law enforcement field, not a position to stay in)
- ★ Describes "grant prostitution" in which well-admired CPO succeeds in getting grants, but the majority of kids aren't getting services; energy and ambition devoted to getting grants, and then a slim majority of juveniles get served
- ★ Great frustration that programs (i.e., those funded by special grants) are not proven; no empirical evidence that they work
- ★ Public defenders are not brought into planning process; they are required to learn about new programs after the fact (e.g., Juvenile Drug Court) – no funds provided for PD services, but there is additional money for probation
- ★ Poor training for POs and person in Probation Dept. charged with providing training is poorly supported in his job
- ★ Concept of "wraparound" services viewed by PDs as "runaround" services, they have never been brought in to discuss or evaluate

Deputy Public Defender

- ★ Questions rotation system from adult to juvenile ... is any thought given to specialization in certain fields?
- ★ Probation reports are part of the problem; it usually consists of the PO taking the "worst" out of the police report and perpetuates it, and these "facts" become part of the record
- ★ Sees lack of discretion – probation viewed as arm of the court

Deputy Public Defender

- ★ Concern about services for juvenile girls: they are often held in Juvenile Hall two times as long as boys (approx. 4-5 months for girls vs. 1 ½ - 3 months for boys; need to develop more placement options for female juvenile population)
- ★ Need to identify better placement options for smart kids with drug problems. Now only two options: (1) go to program where there is access to public school (academics OK, but no good treatment programs; or (2) in-house school (academics not challenging enough, but no access to drugs)
- ★ Insufficient services for juveniles with fire-setting history: private facilities won't take them due to liability, so they go to YA or go home
- ★ Placement reviews: not terribly thorough or insightful; she keeps tabs on kids and can often provide the court with more specifics about a juvenile's situation than the PO can (i.e., the contact between the PO and the kid is limited)
- ★ Inconsistency in dispo report vs. what court officer recommends before court (Court PO will agree with the judge, even though it's inconsistent with the dispo recommendation)
- ★ Need to develop alternate in-home placement programs for families with very specific problems -> lack of school attendance (often due to child care issues, transportation, indigency) ... kids end up in placement even though it's not necessary
- ★ Sees desperate need for more emphasis on home-based programs

Deputy Public Defender

- ★ Also sees need for vehicle to change PO when they have declared themselves against all other parties (gives example of family that was very involved and concerned; PO didn't want to send the kid home, even though the group home counselor and others concluded that the kid would be best placed at home; PO didn't like parental involvement)
- ★ Referees are especially vulnerable to the influence of the POs and others -> don't challenge PO or county counsel and will always go along with the recommendations to preserve job

Public Defender

- ★ Need to examine strengths- or assets-based approach to probation and include more positive statements in probation reports (see Dennis Maloney on this subject)

- ★ Caseloads: clearly an issue
- ★ Need to provide greater assessment in juvenile halls ... not much provided for juveniles in detention (issues of health, education, and mental health); quality of education inadequate -> need to examine application of individualized plans

Private Defense Counsel

- ★ No mechanism exists for handling disagreements with PO ... look at possibility of peer evaluation
- ★ No individualized assessment is provided

Private Defense Counsel

- ★ POs tend to accept police report as fact; rarely contact juvenile or defense counsel; often juveniles don't know how to articulate mitigating defense ... POs need to work more collaboratively with defense

Unattributed

- ★ Look at "patch" available through AFDC/Foster care that can pay for probation placement